

REMARKS

By this Amendment, Applicant amends claims 1 and 7 for precision of language.

Applicant also adds new claims 10 and 11, and hence claims 1-11 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker (US Patent 6,364,765) in view of Olsen (US Patent 6,210,275).
Applicant respectfully traverses the rejection.

As a preliminary matter, the Examiner asserts Walker allegedly teaches substantially all the features of claim 1. However, the Examiner does not specify any portion of Walker for allegedly teaching the claimed feature of “a plurality of stations, each of the stations, at which a player plays a game,” as recited in claim 1. Therefore, the Applicant’s response is based on the Applicant’s best understanding of the Examiner’s arguments.

In the Office Action, the Examiner asserts that Walker allegedly teaches “a plurality of stations...comprising: an identifier, unique to each of the stations; and a receiver, which receives personal information from the player.” Specifically, the Examiner appears to assert column 4, lines 2 to 3 and column 7, lines 3 to 16 of Walker allegedly correspond to the claimed “identifier,” and column 6, lines 4 to 7 and 29 to 32 of Walker allegedly correspond to the claimed “receiver.” *See* Office Action, p. 2.

Walker is directed to an apparatus for conducting a secondary game of chance on client slot machines of a slot machine network. *See* Walker, col. 3, ll. 44-47. Figure 1 of Walker

illustrates such a network 100 as having a server 200, kiosk 400, and slot machines 300, 352, 354. *See* Walker, FIG. 1, col. 4, ll. 5-15. Walker also describes a “client identifier” that represents a specific client slot machine. *See* Walker, col. 4, ll. 2-3. Additionally, Walker describes kiosk 400 may include a card reader 418 for reading a player tracking card. *See* Walker, col. 6, ll. 4-7.

Therefore, the Examiner’s rejection is deficient since the Examiner appears to site separate, distinct elements of Walker, i.e. slot machine 300 and kiosk 400, as allegedly corresponding to a station “comprising: an identifier, unique to each of the stations; and a receiver, which receives personal information from the player,” as recited in claim 1.

In the Office Action, the Examiner also concedes Walker fails to teach “a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier, and which maintains the changed condition until a cancel condition is satisfied,” as recited in claim 1. *See* Office Action, p. 3. However, the Examiner asserts Olsen allegedly cures the deficient disclosure of Walker.

Olsen is directed to a progressive game that may be a standalone game or a bonus game. The progressive game reduces a number of possible outcomes after each successive iteration to eventually guarantee a winner. *See* Olsen, Abstract. However, Olsen neither teaches nor suggests “a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier.” Rather, Olsen describes the number possible conditions is reduced every round

for all players in order to increase the probability of a winner. *See* Olsen, col. 4, ll. 36-37. Indeed, Olsen describes that once the game triggers, one player is guaranteed to win the jackpot. *See* Olsen, col. 7, ll. 28-30. Therefore, Olsen fails to teach or suggest “a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier,” since Olsen is directed to increasing the chances of winning for all players.

Similarly, Olsen neither teaches nor suggests “a condition arranger, which changes a condition of the game performed at the station specified by the second specifier.” Rather, a person having ordinary skill in the art would understand that since Olsen initiates the game for each player, any application of Olsen to Walker would change the game at each slot machine, with no teaching or suggestion that changed condition of the game is selectively applied to “the station specified by the second specifier.” *See* Olsen, col. 4, ll. 42-50.

Further, neither Walker nor Olsen, taken alone or in combination, teach or suggest “a condition arranger, which changes a condition of the game performed at the station.” Rather, Walker is directed to a secondary game of chance at a slot machine configured to conduct a primary game of chance. *See* Walker, col. 2, ll. 30-36. Similarly, Olsen is directed to a progressive that may be implemented as a bonus game. *See* Olsen, col. 4, ll. 18-21. A person having ordinary skill in the art would understand that the secondary game of Walker and bonus game of Olsen are, in fact, separate games that encompass more than a changed condition of the same game.

Last, the combination of Walker and Olsen is unworkable to obtain the combination of features recited in claim 1. Specifically, claim 1 recites, *inter alia*, the features of “a judge, which judges whether there exists a second play record which satisfies a first prize requirement among the first play records stored in the second storage” and “a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier.” A person having ordinary skill in the art would understand that a play record satisfying a first prize requirement is a winning, i.e. successful, play record. As a result, if a play record that satisfies the first prize requirement exists, the present invention recites that “a condition of the game performed at the station specified by the second specifier so as to be more advantageous.”

However, the Olsen is in complete opposition to this recitation. Indeed, Olsen is directed to a game that is triggered by the progressive failure of players to hit an exotic ticket. *See* Olsen, Abstract, col. 4, ll. 30-40, col. 6, ll. 40-42. As a result, a person having ordinary skill in the art would not have combined Walker and Olsen to produce a changed condition of a game to be more advantageous when a first prize play record is found, since Olsen is predicated on progressive failure of players, i.e. absence of first prize play records.

Accordingly, for at least the above reasons, the combination of Walker and Olsen would not have rendered claim 1 unpatentable.

Claim 7 recites features similar to those discussed above, and hence the combination of Walker and Olsen would not have rendered claim 7 unpatentable for at least analogous reasons.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Olsen in view of Seelig et al. (US Patent 5,997,400, hereinafter “Seelig”). Applicant respectfully traverses the rejection.

Claims 2 and 3 depend on claim 1 and incorporate all the features of claim 1. Seelig is cited for teaching that horses that finish in higher positions in a race earn higher payouts than lower finishing horses. Even if Price and Olsen could have somehow been modified based on Seelig, as the Examiner asserts in the Office Action, the combination would still not contain all the features of claim 1, and hence claims 2 and 3, as discussed above. Accordingly, the combination of Price, Olsen, and Seelig would not have rendered claims 2 and 3 unpatentable.

Further, Applicants respectfully note that claim 3 recites the feature of “wherein the first prize requirement in a higher class is more difficult to be satisfied than the first prize requirement in a lower class.” However, the Examiner does not appear to have considered the claim, in its current form, nor the Applicant’s arguments submitted in the Amendment filed on January 30, 2008. Rather, the Examiner’s analysis appears to merely repeat the previous rejection.

Applicant respectfully submits that where the Applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the applicant’s argument **and answer the substance of it.** (MPEP § 707.07(f) “Answer All Materials Traversed”), so as to expedite the prosecution for this application and to ensure a complete record of the prosecution history. Accordingly, those arguments remain applicable, and Applicant will repeat and supplement them as necessary.

Seelig neither teaches nor suggest the claimed features of “the first prize requirement arranged in each of a plurality of classes” and “the first prize requirement in a higher class is more difficult to be satisfied than the first prize requirement in a lower class,” recited in claims 2 and 3. Rather, Seelig discloses that the “Win” position is at the finish line, and the “Place” position is between the “Win” and “Show” positions. Seelig neither teaches nor suggests the first prize requirement arranged in each of a plurality of classes, since Seelig does not disclose a plurality of classes for a first prize. Rather, Seelig merely discloses different prizes, i.e. “Win,” “Place,” and “Show,” with no teaching or suggestion of a class for a prize. Further, Seelig neither teaches nor suggests the first prize requirement in a higher class is more difficult to be satisfied than the first prize requirement in a lower class, since Seelig does not disclose a prize requirement being more difficult to attain based on a class. Rather, at best, Seelig discloses that different prize requirements, i.e. “Win,” “Place,” and “Show,” are more difficult to attain than others.

Accordingly, Seelig fails to cure the deficient disclosures of Price and Olsen, and hence claims 2 and 3 would not have been rendered unpatentable by the combination of Walker, Olsen, and Seelig for at least these additional reasons.

Claims 4 and 9 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Price (US Patent 6,776,715) in view of Olsen in view of Palmer et al. (US Patent 6,939,224). Applicant respectfully traverses the rejection.

Claims 4 and 9 depend on claims 1 and 7, respectively, and incorporate all the features of claims 1 and 7. Even if Walker and Olsen could have been modified based on Price and Palmer,

as the Examiner asserts, the combination would still not contain all the features of claims 1 and 7, and hence claims 4 and 9, as discussed above. Accordingly, the combination of Walker, Olsen, Price, and Palmer would not have rendered claims 4 and 9 unpatentable.

In addition, as previously noted in the Amendment filed on January 30, 2008, the Examiner again appears to attempt to reject claims 4 and 9 in view of Nakagawa and Mindes. However, claims 4 and 9 are not rejected in view of the Nakagawa reference. Further, claims 4 and 9 are not rejected in view of the Mindes reference. *See* Office Action, pp. 5-6. In addition, the Mindes reference to which the Examiner refers on page 6 of the Office Action is not listed on Form PTO-892 included with the Office Action or Forms PTO/SB/08 submitted on January 30, 2006, March 22, 2006, July 6, 2007, October 19, 2006, or January 30, 2008.

Accordingly, Applicant respectfully submits the Nakagawa and Mindes references do not render claims 4 and 9 unpatentable. Applicant also respectfully requests the Examiner to clarify these ambiguities in the next USPTO communication.

Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view Olsen in view of Price in view of Palmer et al. in view of Barrie et al. (US Patent 4,837,728, hereinafter “Barrie”). Applicant respectfully traverses the rejection.

Claim 5 depends on claim 1 and incorporates all the features of claim 1. Even if Walker, Olsen, Price, and Palmer could have somehow been modified based on Barrie, as the Examiner asserts, the combination would still not contain all the features of claim 1, and hence claim 5, as discussed above. Accordingly, the combination of Walker, Olsen, Price, Palmer, and Barrie would not have rendered claim 5 unpatentable.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Olsen in view of Price in view of Palmer et al. in view of Nakagawa et al. (US Patent 6,019,369, hereinafter "Nakagawa"). Applicant respectfully traverses the rejection.

Claim 6 depends on claim 1 and incorporates all the features of claim 1. Even if Walker, Olsen, Price, and Palmer could have somehow been modified based on Nakagawa, as the Examiner asserts, the combination would still not contain all the features of claim 1, and hence claim 6, as discussed above. Accordingly, the combination of Walker, Olsen, Price, Palmer, and Nakagawa would not have rendered claim 6 unpatentable.

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Olsen in view of Hanai (US Patent 5,816,920). Applicant respectfully traverses the rejection.

Claim 8 depends on claim 7 and incorporates all the features of claim 7. Even if Walker and Olsen could have somehow been modified based on Hanai, the combination would still not contain all the features of claim 7, and hence claim 8. Accordingly, the combination of Walker, Olsen, and Hanai would not have rendered claim 7 unpatentable.

New Claims

As discussed above, Applicant adds new claims 10 and 11. Applicant respectfully submits claims 10 and 11 should be deemed patentable at least by virtue of their dependency. Applicant also respectfully submits the prior art references cited by the Examiner fail to teach or suggest all the features of claims 10 and 11.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

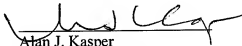
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER


Alan J. Kasper
Registration No. 25,426

Date: August 13, 2008